

## OPERATIONAL POLICY

Policy Title:	Applies to:	Reference #
Access to Information	All employees and contractors	2015-OCCOP-P0002
Approved by:	Dates:	Total # of Pages
Executive Leadership Team	<b>Effective:</b>	01-May-2015
	<b>Last Review:</b>	01-June-2018
	<b>Next Review:</b>	01-June-2020
<b>Authority:</b>		
<i>The Local Authority Freedom of Information and Protection of Privacy Act</i>		
<b>Responsibility:</b>		
Corporate Information Governance, Office of the City Clerk		

### 1.0 Purpose

The City of Regina (“the City”) recognizes the right of access by the public to information in the possession or under the control of the City and is committed to fulfilling its obligations under *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

The purpose of this policy is to establish appropriate controls and guidelines around providing access to information as required to carry out the City’s statutory obligations pursuant to LA FOIP and the City’s legitimate business and public interest mandates, including the principles of Open Government: transparency, accountability, accessibility and participation.

### 2.0 Scope

This policy applies to all City employees and contractors.

### 3.0 Definitions

***Access and Privacy Team*** – includes Privacy & Freedom of Information Officers located in Corporate Information Governance, Office of the City Clerk.

***Access to Information Request*** – The formal process by which an individual may request access to City of Regina information under the provision of *The Local Authority Freedom of Information and Protection of Privacy Act*. The term freedom of information request and the acronym FOI are also used to describe an access to information request.

***Applicant*** – any individual who requests access to a record under LA FOIP.

***Contractor*** – an individual or company retained under a contract to perform services for the City.

***Duty to Assist*** – means the City’s obligation to provide assistance to an applicant including responding to a request for access openly, accurately and completely.

***Duty to Protect*** – means the City’s obligation to protect the integrity, accuracy and confidentiality of the personal information in its possession or under its control.

***Employee*** – an individual employed by the City, including an individual retained under a contract to perform services for the City.

***Exemption*** – a mandatory or discretionary provision under *The Local Authority Freedom of Information and Protection of Privacy Act* that authorizes the City to refuse to give access to information contained in a record, or, in some cases, to refuse to acknowledge the existence of record, in response to a request.

***Formal Request*** – a request for access to information, made in writing or presented on the prescribed Access to Information Request Form that states the applicant wishes to make application under *The Local Authority Freedom of Information and Protection of Privacy Act*.

***Head*** – the City Clerk, delegated by the Mayor.

***Informal Request*** – a request for information which is general in nature, can be easily accessed in a minimal amount of time and can typically be handled by the department responsible for the information.

***Information*** – what a record contains. It is also a term used to refer to the content of an electronic database or application. Regardless of the form, all recorded information in the possession or under the control of the City is a record.

***LA FOIP*** – *The Local Authority Freedom of Information and Protection of Privacy Act*.

***Personal Information*** – means recorded information about an identifiable individual which may include but is not limited to: information about an individual’s race; religion; family status; age; birthdate; place of origin; employment or criminal history; financial information; health services number; driver’s license number; social insurance number; home address, email address or telephone number; physical or mental condition of an individual; an individual’s personal views or opinions except where they are about another individual.

***Privacy*** – is the right to keep certain information private; freedom from unauthorized access to, use, or disclosure of one’s personal and/or confidential information.

***Record*** – means a record of information in any form and includes information that is written, photographed, recorded, digitized or stored in any manner, but does not include computer programs or other mechanisms that produce records.

***Third Party*** – means a person or company other than the City.

## **4.0 Policy**

LA FOIP and *The Cities Act* determine the City’s obligations to provide access to information in the City’s possession or under its control. Every City employee and contractor with access to City information, as a result of their employment or contract with the City, is responsible for managing that information in accordance with this policy.

#### **4.1 Access to Information**

Pursuant to LA FOIP, an individual has the right to request access to any information in the possession or under the control of the City.

The City has a duty to assist in providing as much information as possible to the applicant while ensuring personal, confidential and third party information is protected in accordance with LA FOIP.

#### **4.2 Formal and Informal Requests**

Informal requests are typically handled by the business area responsible for the information, in consultation with the Access and Privacy Team (APT) as necessary.

An applicant who wishes to make a formal request under *The Local Authority Freedom of Information and Protection of Privacy Act* completes the Access to Information Request Form available on the City of Regina website or makes a request in writing stating the request is being made under LA FOIP.

The applicant sends the request confidentially to the Access and Privacy Team, City of Regina, Office of the City Clerk, 15th Floor, City Hall, 2476 Victoria Avenue, PO Box 1790, Regina, SK S4P 3C8; or may contact the APT by email at [lafoip@regina.ca](mailto:lafoip@regina.ca).

Formal requests are handled by the APT. In the event a request arrives in any other area of the City or is delivered in person, the request must be transferred to the APT confidentially and immediately on receipt.

Formal access to information requests are subject to an application fee, pursuant to LA FOIP.

Processing fees are determined in accordance with *The Local Authority Freedom of Information and Protection of Privacy Regulations*.

The City will process the access to information request with complete, accurate and timely response in accordance with LA FOIP.

Employees shall assist the APT as necessary in obtaining information responsive to access to information requests in accordance with the timelines legislated under LA FOIP.

#### **4.3 Duty to Assist**

The City has a duty to provide assistance to an applicant including to respond to a request for access openly, accurately and completely; to provide an explanation of any term, code or abbreviation used in the information, or to refer an applicant to a person who is able to supply an explanation if the City is unable to do so.

#### **4.4 Duty to Protect**

The City has a duty to protect the integrity, accuracy and confidentiality of the personal information in its possession or under its control including to protect against any reasonably anticipated threat or hazard; loss or unauthorized access to or use, disclosure or modification.

#### **4.5 Exemptions**

LA FOIP provides for the protection of certain information. There are mandatory and discretionary provisions under LA FOIP authorizing the Head to refuse to give access to information contained in a record including refusal to confirm or deny the existence of a record, in response to an access to information request.

When determining whether to apply discretionary exemptions the Head will exercise good faith in balancing the legitimate business or legal concerns of the City and the principles of Open Government.

#### **4.6 Reviews**

An applicant who is not satisfied with how the City has processed an access to information request may apply to the Saskatchewan Information and Privacy Commissioner (IPC) for a review of the matter.

The City will cooperate with the IPC in the conduct of the review.

The City will work with the IPC, the applicant, and any third parties to come to an amenable review result, whenever possible.

The Head will determine whether to comply or not comply with any recommendations of the IPC following a review, with regard for the requirements of LA FOIP, the public interest, mandate of the City and the principles of Open Government.

If the applicant and/or third party are not satisfied with the Head's decision to comply or not comply with the recommendation of the IPC, they may appeal that decision to the court. The decision of the court is binding.

#### **4.7 Open Government**

The City is committed to supporting the concepts of transparency, accountability, accessibility and participation and as such is committed to proactively providing information through its Open Government Program. Open Government consists of three pillars: Open Information, Open Data and Open Engagement.

- *Open Information* can be achieved with proactive disclosure of City information to enhance internal information sharing and public access.
- *Open Data* occurs when a government institution posts internal data sets, in a machine-readable format, for free public consumption.
- *Open Engagement* provides the public with ease of access to information as well as a platform for open dialogue. Open Engagement tools, including social media such as Twitter, YouTube and Facebook, enhance the engagement experience.

## 5.0 Roles & Responsibilities

City Clerk is responsible for:

- Corporate information, including personal information at the City of Regina.

Manager of Corporate Information Governance is responsible for:

- Providing guidance with respect to this policy and ensuring this policy is maintained.

Access and Privacy Team is responsible for:

- Receiving and handling all access to information requests including the application of all exemptions.
- Leading the Open Government Program and providing guidance to the corporation.

Employees are responsible for:

- Compliance with this policy and related procedures and guidelines.

## 6.0 Related Forms

Access to Information Request form

## 7.0 Reference Material

*The Local Authority Freedom of Information and Protection of Privacy Act*

*The Cities Act*

Privacy Policy #2015-OCCOP-P0001

## 8.0 Revision History

Date	Description of Revision	Authorized By	(Re)-Approval Required (y/n)
01-05-2015	Initial Release	ELT	No
01-05-2016	Scheduled Review	CLO & CC	Yes
01-05-2017	Review	CC	No
01-11-2017	Revision – update LA FOIP acronym	CC	No
01-06-2018	Scheduled Review – LA FOIP Amendments	CC	Yes